

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE ORTEGA,

Petitioner,

v.

CV 15-0775 JH/CEG

STATE OF NEW MEXICO,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* ("PFRD"), filed on January 26, 2016, (Doc. 9). In the PFRD, the Magistrate Judge found that Petitioner Jose Ortega had submitted a mixed petition as he had not exhausted all of his claims in state court. As a result, the Magistrate Judge recommended that Petitioner Ortega's *Petition for Writ of Habeas Corpus*, (Doc. 1), filed on September 1, 2015, be dismissed without prejudice. The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 9 at 9). No objections have been filed and the deadline of February 12, 2016 has passed. The recommendations of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Petitioner Ortega's *Petition for Writ of Habeas Corpus*, (Doc. 1), be **DISMISSED WITHOUT PREJUDICE**.



THE HONORABLE JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE